

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SUNOVION PHARMACEUTICALS INC.,

Plaintiff,

v.

DEY PHARMA, L.P., DEY, INC., MYLAN
INC., and MYLAN PHARMACEUTICALS
INC.

Defendants.

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Civil Action No. 06-113-LPS
(Consolidated)

**DEFENDANTS' MOTION SEEKING RULE 37
SANCTIONS AND RENEWING AND SUPPLEMENTING
ITS RULE 50 MOTION FOR JUDGMENT AS A MATTER OF LAW**

Dey moves for Rule 37 sanctions and renews and supplements its Rule 50 motion for judgment as a matter of law based on the grounds stated in its Opening Brief filed contemporaneously herewith.

STATEMENT OF COMPLIANCE WITH LOCAL RULE 7.1.1

Issues presented in this motion are non-dispositive. Accordingly, counsel for Dey has conferred with counsel for Sidley Austin regarding the matters set forth in this motion. After reasonable efforts, the parties were unable to reach agreement regarding the matters set forth in this motion.

Respectfully submitted,

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Dated: February 5, 2012

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on February 5, 2012, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on February 5, 2012, the attached document was Electronically Mailed to the following person(s):

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